REMARKS

Claims 1 - 4, 6, 8, 10, 12, and 14 - 20 are pending in the application and are presented for examination on the merits. By this amendment, claim 12 has been amended to recite that the waste ink tank includes a pouring mouth configured as a sealing structure. Support is found in the specification, at paragraphs [0025], [0037]and [0078].

REJECTION UNDER 35 U.S.C. §102

In the outstanding Office Action, claims 1-4, 6, 8, 10, and 14-20 were rejected under 35 U.S.C. §102(b) over U.S. Patent No. 4,965,596, to Nagoshi, et al. (*Nagoshi*). This rejection is respectfully traversed.

Applicant claims an apparatus and method for extracting waste ink during ink jet recording. Applicant uses ink tanks installed removably in the apparatus, and configured to store ink, and a reservoir tank configured to temporarily store waste ink generated by printing. The claims define, "a discharging unit configured to discharge waste ink from the reservoir tank into the waste ink tanks". (Apparatus claim 1; method claim 17 similar.) Therefore, as described in the Specification, this arrangement makes it simple to collect waste ink, while at the same time facilitating placing the waste ink in containers, which are easily removed.

This is accomplished by the use of the reservoir tank, the waste ink tanks and a discharging unit configured to discharge waste ink from the reservoir tank into the waste ink tanks. Control of the discharge to the waste ink tanks is accomplished by a control unit which discriminates whether or not the waste ink tanks are empty, and controls the discharging unit. The control allows discharge of a predetermined quantity stored in the reservoir tank into the empty waste ink tank. These features are all presented in independent claims 1 and 17.

Nagoshi shows a printing system in which ink removed during the printing process is discharged to several waste tanks, corresponding to the different B-Y-M-C tanks. *Nagoshi* is silent as Applicant's claimed features of combining a reservoir tank and waste ink tank.

Therefore, there can be no suggestion in *Nagoshi* to combine a reservoir tank, waste ink tanks and an appropriate control of the discharge of ink from a reservoir tank to waste ink tanks.

The failure of *Nagoshi* to show a combination of a reservoir tank, waste ink tanks and appropriate control of the discharge from a reservoir tank to waste ink tanks also means that there can be no suggestion in *Nagoshi* to provide control of the discharge to the waste ink tanks by a control unit which discriminates whether or not the waste ink tanks are empty. Therefore, there is no suggestion of a control unit which allows discharge of a predetermined quantity stored in the reservoir tank into the empty waste ink tank. Instead, *Nagoshi* uses an arrangement of an ink absorbing member which swells to block flow. *Nagoshi* uses a sensor 128 (128 B-Y-M-C) but uses the sensor to determine if the waste tanks are full. This is substantially different from the claimed control of the flow from the reservoir to allow discharge of a predetermined quantity stored in the reservoir tank into the empty waste ink tank.

Therefore, as set forth in our response (September 7, 2005) to the restriction requirement of August 8, 2005, the present invention:

(a) discriminates whether or not the waste ink tank is empty; and

(b) discriminates whether or not the quantity of waste ink stored in the reservoir tank is more than or equal to a predetermined quantity.

Moreover, as set forth in claim3 and 17, a memory is used to store information as to whether the reservoir:

> "... the control unit discriminates whether or not each of the waste ink tanks is empty based on information stored in the memories, and writes information indicating that the waste ink tank is full to the memory of the waste ink tank to which the waste ink is discharged." (claim 3)
>
> " a memory indicating whether or not the waste ink tank is empty; and controlling the discharging unit.... " (claim 17)

Accordingly, the invention as set forth in claims 3 and 17 further distinguish the invention over the prior art of record.

REJECTION UNDER 35 U.S.C. §103

Claim 12 was rejected under 35 U.S.C. §103 over *Nagoshi*, taken in view of Japanese Patent 4-201353A to Fukui, et al. (*Fukui*). This rejection is respectfully traversed. *Fukui* was cited as teaching the waste ink tank is configured as a sealing structure. Applicants do not see this feature in *Fukui*. In contrast, *Fukui* states that waste tanks are set so that the waste is distributed in proportion with the capacity of each waste tank and ink consumption quantity. Switching of the discharge to the tanks is based on tank capacity, and not in accordance with a level stored in memory. Therefore, *Fukui* controls fluid spillage based on tank capacity rather than by describing sealing.

In order to clarify this distinction, claim 12 has been amended to recite, "... the waste ink tank includes a pouring mouth configured as a sealing structure." In view of the foregoing, withdrawal of the rejection of claim 12 under 35 U.S.C. §103 is respectfully requested.

CONCLUSION

In light of the foregoing, Applicant respectfully requests the Examiner to conduct a first substantive examination of the application. If the Examiner has any questions or comments regarding this matter, he is welcomed to contact the undersigned attorney at the below-listed number and address.

Respectfully submitted,
NATH & ASSOCIATES PLLC

February 6, 2006

Gary M. Nath
Registration No. 26,965
Gregory B. Kang
Registration No. 45,273
Stanley N. Protigal
Registration No. 27,658
Customer No. 20529

NATH & ASSOCIATES PLLC
112 South West Street
Alexandria, VA 22314-2891
Tel: 703-548-6284
Fax: 703-683-8396